

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                                       |   |                |
|---------------------------------------|---|----------------|
| TIMOTHY BOX, #1771236,                | § |                |
| Petitioner,                           | § |                |
|                                       | § |                |
| v.                                    | § | 3:13-CV-1613-K |
|                                       | § |                |
| RICK THALER, Director,                | § |                |
| Texas Department of Criminal Justice, | § |                |
| Correctional Institutions Div.,       | § |                |
| Respondent.                           | § |                |

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. Petitioner filed objections, and the District Court has made a *de novo* review of those portions of the proposed Findings, Conclusions and Recommendation to which objection was made. The objections are overruled, and the Court **ACCEPTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

Therefore, the habeas action is **ADMINISTRATIVELY CLOSED**. Alternatively, this action is hereby **DISMISSED** for failure to exhaust state court remedies. *See* 28 U.S.C. § 2254(b) and (c).

The Court **cautions** Petitioner that the 1996 amendments to the habeas corpus statute impose a one-year statute of limitations for filing habeas corpus petitions in

federal court, *see* 28 U.S.C. § 2244(d), and that this provision is applicable to this petition as well as to any other petition that he may file in this court. Petitioner should act diligently and expediently in seeking habeas corpus relief in both state and federal court.

The Clerk of the Court is **directed** to provide to Petitioner a copy of the petition for *Discretionary Review* he initially submitted (Doc. 3). Petitioner is advised that he must file his petition for *Discretionary Review* himself **with the appropriate state Court**. This Court will not forward his petition for *Discretionary Review* to the state court for filing.

SO ORDERED.

Signed this 8<sup>th</sup> day of May, 2013.

  
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ED KINKEADE  
UNITED STATES DISTRICT JUDGE